



Public Works Committee Amendment Act 2006

No. 132, 2006

**An Act to amend the *Public Works Committee Act
1969*, and for related purposes**

Note: An electronic version of this Act is available in ComLaw (<http://www.comlaw.gov.au/>)

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No. 132, 2006

An Act to amend the *Public Works Committee Act 1969*, and for related purposes

[Assented to 7 November 2006]

The Parliament of Australia enacts:

1 Short title

This Act may be cited as the *Public Works Committee Amendment Act 2006*.

2 Commencement

This Act commences on the day on which it receives the Royal Assent.

3 Schedule(s)

Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Schedule 1—Amendment of the Public Works Committee Act 1969

Part 1—Amendments relating to public works

1 Section 5 (definition of *public work*)

Repeal the definition, substitute:

public work has the meaning given by section 5AA.

2 After section 5

Insert:

5AA Meaning of *public work*

(1) A *public work* means:

- (a) a work to which subsection (2), (3) or (5) applies; or
- (b) a work declared by the regulations to be a public work.

However, a *public work* does not include:

- (c) a work that is proposed to be carried out within the Parliamentary zone; or
 - (d) a work that is proposed to be carried out by or for the Commonwealth by way of assistance to an overseas country; or
 - (e) a work declared by the regulations not to be a public work.
- (2) This subsection applies to a work:
- (a) that is proposed to be carried out by or for the Commonwealth, either within or outside Australia; and
 - (b) either:
 - (i) in respect of the carrying out of which moneys appropriated by the Parliament are proposed to be expended by the Commonwealth; or
 - (ii) in relation to which moneys appropriated by the Parliament are proposed to be expended by the Commonwealth.
- (3) This subsection applies to a work:

- (a) that is proposed to be carried out, either within or outside Australia, by or for an authority of the Commonwealth to which this Act applies; and
 - (b) either:
 - (i) in respect of the carrying out of which moneys appropriated by the Parliament, or moneys of the authority, are proposed to be expended by the authority; or
 - (ii) in relation to which moneys appropriated by the Parliament are proposed to be expended by the Commonwealth or the authority.
- (4) For the purposes of subsections (2) and (3), it does not matter whether or not the work concerned is a work of which the Commonwealth, or an authority of the Commonwealth to which this Act applies, is proposed to become the owner.
- (5) This subsection applies to a work:
- (a) that is proposed to be carried out, either within or outside Australia, otherwise than by or for the Commonwealth or an authority of the Commonwealth to which this Act applies; and
 - (b) of which the Commonwealth, or an authority of the Commonwealth to which this Act applies, is proposed to become the owner; and
 - (c) in relation to which moneys appropriated by the Parliament are proposed to be expended by the Commonwealth or an authority of the Commonwealth.

3 Subsection 18(8)

Omit “\$6,000,000”, substitute “the threshold amount”.

4 Subsection 18(9)

Insert:

threshold amount means:

- (a) \$15,000,000; or
- (b) if another amount is specified in the regulations for the purposes of this definition—that other amount.

5 Paragraphs 40(2)(a) and (b)

Repeal the paragraphs, substitute:

- (a) paragraph (f) or (k) of the definition of *work* in subsection 5(1); and
- (b) paragraph 5AA(1)(b) or (e);

6 Application

The *Public Works Committee Act 1969* as in force immediately before the day on which this Act receives the Royal Assent continues to apply to a public work:

- (a) referred to the Committee before that day; and
- (b) that has not commenced.

Part 2—Technical amendments

7 Section 5

Insert:

Chair means the Chair of the Committee.

8 Section 5 (definition of *the Chairman*)

Repeal the definition.

9 Subsections 7(5) and (6)

After “he”, insert “or she”.

10 Paragraphs 7(7)(b), (c) and (d)

After “he” (wherever occurring), insert “or she”.

11 Paragraph 7(7)(d)

After “his”, insert “or her”.

12 Subsections 7(8) and (9)

After “his” (wherever occurring), insert “or her”.

13 Subsection 7(12)

Omit “Chairman”, substitute “Chair”.

14 Section 8

After “his”, insert “or her”.

15 Subsection 9(1)

Omit “Chairman and a Vice-Chairman”, substitute “Chair and a Deputy Chair”.

Note: The heading to section 9 is replaced by the heading “**Chair and Deputy Chair**”.

16 Subsection 9(2)

Omit “Chairman and Vice-Chairman”, substitute “Chair and Deputy Chair”.

17 Subsection 9(3)

Omit “Chairman or Vice-Chairman”, substitute “Chair or Deputy Chair”.

18 Paragraphs 9(3)(a) and (b)

After “he”, insert “or she”.

19 Paragraph 9(3)(b)

After “his”, insert “or her”.

20 Subsection 9(4)

Omit “The Chairman or Vice-Chairman may resign his office by writing under his hand”, substitute “The Chair or Deputy Chair may resign that office by writing under his or her hand”.

21 Subsection 9(5)

Omit “Chairman or, in his absence, the Vice-Chairman”, substitute “Chair or, in his or her absence, the Deputy Chair”.

22 Paragraph 9(6)(a)

Omit “Chairman”, substitute “Chair”.

23 Paragraph 9(6)(a)

After “his”, insert “or her”.

24 Paragraph 9(6)(b)

Omit “Vice-Chairman”, substitute “Deputy Chair”.

25 Paragraph 9(6)(b)

Omit “Chairman”, substitute “Chair”.

26 Subsection 9(6)

Omit “chairman”, substitute “chair”.

27 Subsection 9(7)

Omit “chairman”, substitute “chair”.

28 Subsection 9(7)

After “he” (wherever occurring), insert “or she”.

29 Subsection 9(8)

Omit “chairman”, substitute “chair”.

30 Paragraph 9(8)(a)

After “he”, insert “or she”.

31 Paragraph 9(8)(a)

After “his”, insert “or her”.

32 Paragraph 9(8)(b)

After “he”, insert “or she”.

33 Paragraph 9(8)(c)

Omit “Chairman or Vice-Chairman”, substitute “Chair or Deputy Chair”.

34 Subsections 9(9), (10) and (11)

Repeal the subsections, substitute:

- (9) The Deputy Chair and a temporary chair may each exercise any of the powers of the Chair under this Act.
- (10) If the Chair, the Deputy Chair and (if the appointment of a temporary chair is in force), the temporary chair, are absent from a meeting of the Committee, the members present may appoint one of their number to preside at the meeting. The member so appointed may exercise, in relation to that meeting, and in relation to any matter arising out of that meeting, any of the powers of the Chair under this Act.
- (11) For the purpose of the exercise of the powers of the Chair under this Act, a reference in this Act to the Chair includes a reference to the Deputy Chair, to a temporary chair and to a member appointed under subsection (10).

35 Paragraph 10(2)(b)

After “he”, insert “or she”.

36 Paragraph 10(2)(c)

Omit “his office by writing under his hand addressed to the Chairman”, substitute “that office by writing under his or her hand addressed to the Chair”.

37 Subsection 10(3)

Omit “Chairman and a Vice-Chairman”, substitute “Chair and a Deputy Chair”.

38 Subsection 10(4)

Omit “Chairman or Vice-Chairman”, substitute “Chair or Deputy Chair”.

39 Paragraph 10(4)(b)

After “he”, insert “or she”.

40 Paragraph 10(4)(c)

After “his” (wherever occurring), insert “or her”.

41 Subsection 10(5)

Omit “Chairman, or, in his absence, the Vice-Chairman,”, substitute “Chair or, in his or her absence, the Deputy Chair,”.

42 Subsection 10(9)

Omit “Chairman”, substitute “Chair”.

43 Subsection 11(2)

Omit “the Chairman shall be read as a reference to the Chairman, or to the Vice-Chairman,”, substitute “the Chair is to be read as a reference to the Chair, or to the Deputy Chair,”.

44 Subsection 11(3)

Omit “Chairman, or by the Vice-Chairman,”, substitute “Chair, or by the Deputy Chair,”.

45 Subsections 12(1), (2) and (3)

Omit “Chairman”, substitute “Chair”.

46 Paragraphs 12(3)(a) and (b)

After “he”, insert “or she”.

47 Subsection 18(3)

Omit “for Housing and Construction”.

48 Subsection 18(8A)

Omit “for Housing and Construction”.

49 Paragraph 18(8A)(a)

After “he”, insert “or she”.

50 Subsection 19(2)

Omit “Chairman notifies the Minister for Housing and Construction”,
substitute “Chair notifies the Minister”.

51 Subsections 20(1) and 21(1)

Omit “Chairman”, substitute “Chair”.

52 Subsection 21(3)

After “his”, insert “or her”.

53 Paragraph 22(1)(b)

After “his”, insert “or her”.

54 Paragraph 22(1)(c)

After “he”, insert “or she”.

55 Paragraph 22(1)(c)

Omit “Chairman”, substitute “Chair”.

56 Subsection 22(1)

Omit “Chairman or”, substitute “Chair or”.

57 Subsection 22(1)

After “his” (last occurring), insert “or her”.

58 Paragraph 22(3)(c)

After “he”, insert “or she”.

59 Paragraph 22(3)(c)

Omit “Chairman”, substitute “Chair”.

60 Subsection 22(4)

After “him”, insert “or her”.

61 Subsection 23(6)

Omit “Chairman”, substitute “Chair”.

62 Paragraph 23(7)(c)

After “he”, insert “or she”.

63 Subsection 26(2)

After “he”, insert “or she”.

64 Section 27

After “him”, insert “or her”.

65 Paragraph 30(1)(b)

Omit “him by the Chairman”, substitute “him or her by the Chair”.

66 Paragraph 30(1)(c)

After “he”, insert “or she”.

67 Section 32

After “his”, insert “or her”.

68 Section 32

After “him”, insert “or her”.

69 Subsections 35(1) and (2)

Omit “Chairman”, substitute “Chair”.

*[Minister’s second reading speech made in—
Senate on 21 June 2006
House of Representatives on 19 October 2006]*

(91/06)

